

### **Remarks**

By this Amendment, claims 1, 8, 14, 17, 21, 26, and 29 are amended. Applicant requests reconsideration in the view of the amendments and the following remarks.

#### **I. Claim Objection**

Claim 32 has been amended to address the objection to this claim. Thus, the objection should be withdrawn.

#### **II. Allowable Subject Matter**

Claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 8 has been rewritten in independent form including all of the limitations of its base claim and should now be allowed.

#### **III. Rejection of Claims 1-7 and 9-35**

Claims 1-3, 5-7, 9-19, and 21-25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,350,256 to Hammer (Hammer). Claims 4, 20 and 26-35 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Hammer. Applicant traverses these rejections and requests that they be withdrawn.

Claim 1 is directed to a retaining wall having a front and a back, the wall comprising a first set of one or more courses, at least a portion of each comprising a plurality of unitary blocks placed side-by-side with respect to each other, and a second set of one or more courses, at least a portion of each comprising a plurality of block assemblies placed side-by-side with respect to each other. Claim 1 has been amended to further specify that each unitary block has a depth extending in a direction from the front to the back of the wall and is not connected to other blocks in the direction of the block depth.

In contrast to claim 1, the “unitary” blocks (face blocks 24) of Hammer are part of block assemblies comprised of multiple blocks connected to each other in the direction of the depth of the blocks. Accordingly, claim 1 is not anticipated by Hammer and should be allowed.

Dependent claim 14, as amended, further recites that the depth of the unitary blocks is equal to the depth of the wall at the unitary blocks. In contrast, referring to FIG. 1 of Hammer,

the depth of the “unitary” blocks (the face block 24 of each block assembly) is much less than the overall depth of the wall at the unitary blocks (the depth of the wall is equal to the depth of the block assemblies).

Claim 17 has been amended to recite that each unitary block has a front surface at the front of the wall and a back surface at the back of the wall. In contrast to claim 17, each “unitary” block (face block 24) shown in Hammer has a front surface at the front of the wall but its back surface is intermediate the front and back of the wall. Accordingly, claim 17 is not anticipated by Hammer and should be allowed.

Dependent claim 21 recites that each unitary block has a depth that is less than the depth of the block assemblies, and has been amended to further specify that the depth of each unitary block spans the depth of the wall at the unitary blocks. In contrast, as shown in FIG. 1 of Hammer, the depth of each “unitary” block (each face block 24) spans only a portion of the total depth of the wall at the unitary blocks.

Claim 26 has been amended to recite that each single block has a front surface in the front surface of the wall and a back surface in the back surface of the wall. In contrast to claim 26, each single block (face block 24) shown in Hammer has a front surface in the front surface of the wall but its back surface is intermediate the front and back surfaces of the wall (instead tail blocks 36 form the back surface of the wall). Accordingly, claim 26 is not anticipated or rendered obvious by Hammer and should be allowed.

Claim 29 has been amended to recite that each single block has a depth spanning the depth of the wall at each single block. In contrast, as shown in FIG. 1 of Hammer, the depth of each single block (face block 24) spans only a portion of the total depth of the wall at each single block. Accordingly, claim 29 is not anticipated or rendered obvious by Hammer and should be allowed.

#### IV. Conclusion

Because independent claims 1, 17, 26, and 29 are in proper condition for allowance, the respective dependent claims are also properly allowable because each dependent claim includes all the features of the respective independent claim and because each dependent claim adds at least one feature that, in combination with the respective independent claim, is patentable in its own right over the cited references.

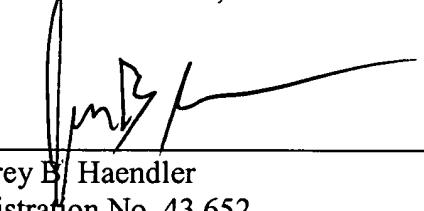
If any issues remain unresolved after consideration of the contents of this paper, the Examiner is requested to contact the undersigned to schedule a telephonic interview. Any inaction by the Examiner to make such contact, followed by issuance of a final action, will be regarded as an acquiescence by the Examiner to grant an interview as a matter of right after the final action.

Respectfully submitted,

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